

Service Date: July 9, 2004

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF the)	UTILITY DIVISION
NorthWestern Energy's Electric)	
Default Supply Tracker Filing)	DOCKET NO. D2004.6.90
)	ORDER NO. 6574a

PROTECTIVE ORDER

On June 30, 2004, NorthWestern Energy (NWE) filed a Renewed Motion for Protective Order in this docket. (NWE's initial Application for Protective Order was denied without prejudice. See Notice of Commission Action, June 24, 2004.) The Motion was filed pursuant to § 69-3-105(2), MCA, and ARM 38.2.5007. The Motion requests protection for certain information to be filed in this docket "related to NWE's Application for Electric Supply Deferred Cost Account Balance and Projected Electric Supply Cost." More specifically, the information concerns "the price of [NWE's] electricity purchases and the location of delivery of the electricity." Corcoran Affidavit, p.2. Also, the information "reveals Default Supplier procurement strategies, detailed load statistics, bidders' pricing terms and data...." Id. NWE contends the information is trade secret under Montana law.

The Commission determines that NWE has met the requirements of ARM 38.2.5007, and has made a prima facie showing that the information described is confidential information pursuant to ARM 38.2.5001(1). NWE's Motion is granted. Information submitted in accordance with this Order will be treated as confidential information under the terms of this Order and Commission protective order rules, ARM 38.2.5001-5030.

This Order may be challenged at any time pursuant to ARM 38.2.5008. NWE is reminded that following the issuance of this Order it must comply with ARM 38.2.5016.

Done and dated this 30th day of June, 2004, by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ROWE, Chairman

TOM SCHNEIDER, Vice-Chairman

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.

Montana Public Service Commission
Protective Orders and Protection of Confidential Information

Nondisclosure Agreement

(7-26-00)

ARM 38.2.5012

Docket No., D2004.6.90 Order No. 6574a
Order Action Date: June 30, 2004

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

Typed or Printed Name

Signature

Date of Signature

Business Address:

Employer

Party Represented